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| EXAMINER |
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PASIEWICZ, DANIEL M

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| ART UNIT | PAPER NUMBER |
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2622

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11/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/973,837

Applicant(s)

MURASHITA ET AL.

Examiner

Daniel M. Pasiewicz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6, 14, 18, 22, 26, 30, 34, 38, 42, 46, 50, 54, 58, 64 and 70-72 is/are pending in the application.
- 4a) Of the above claim(s) 6, 30, 34, 38, 42, 46, 50, 54, 58 and 64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 14, 18, 22, 26 and 70-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/7/2007 have been fully considered but they are not persuasive.
2. In view of Applicant's amendment to **claims 1 and 71**, said claims now read on the elected species (Species 2 – Fig. 3-5); therefore, **claims 1, 14, 18, 22, 26 and 71** are no longer withdrawn from consideration and will be examined.
3. In view of Applicant's amendment there are no further objections to the claims.
4. With respect to **claim 70** Applicant argues, "the video frame grabber interface 912 of the imaging system 900 illustrated in FIG. 18 of Blank can acquire a **single** image (see FIGS. 19A-D and the associated description in Blank) from the image forming apparatuses connected therein, and is not an image reader reading a plurality of images".
5. The Examiner respectfully disagrees. The Examiner has cited column 29 lines 10-21 of **Blank** as disclosing this limitation. Column 29 lines 10-21 reads:

An optional component of the imaging system 900 to capture video images for manipulation is a color video frame grabber interface or capture board 912 connected to the computer 902. Two such frame grabber interfaces are AITech and ComputerEyes RT. Typical video sources optionally connected to the frame grabber interface 912 include a video camera 914, a photo CD (Compact Disk) 916, a VCR (video cassette recorder) 918, a still video camera 920, a video camcorder (not shown), or a laser disk player (not shown). The preceding video

sources are not intended to be the only ones that can be used, since other video sources that the user may have available could also be utilized.

As can be clearly seen in column 29 lines 10-21 **Blank** states "the video images", plural, can be captured via the frame grabber interface.

6. Additionally, Applicant argues, "the Office Action indicates the image system 900 as corresponding to the whole image recording apparatus of claim 70, and a component of the image system 900 (i.e. the video frame grabber interface 912) as corresponding to a component of the image recording apparatus of claim 70" and that "indicating the whole image system 900 as anticipating another component of the image recording apparatus of claim 70 is then not logically coherent".

7. The Examiner respectfully disagrees with Applicant's argument. The claim defines a component of the system for producing a desired result. In this case the desired result is "processing the image data to generate a plurality of processed images". **Blank** discloses that the entire system (900) is used to produce this desired result in column 30 lines 9-56 and column 32 lines 16-21; therefore, the entire system is the component of the system which produces the desired result. As the claim is written broadly enough to where the image manipulator is not defined as being a sub-component of the entire image recording apparatus, which can not include all the components of the apparatus itself, it would be logically coherent to interpret the entire system 900 of **Blank** as the claimed image manipulator.

8. Applicant argues **claim 72** is patentable for similar reasons as **claim 70**.

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9. The Examiner respectfully disagrees for similar reasons as discussed above with respect to **claim 70**.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. **Claims 1, 18, 22 and 71 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2001/0040625 A1 to Okada et al.**

12. With respect to **claim 1 Okada** discloses, in Fig. 4-6, an image data dispensing system storing and dispensing upon request images obtained by a consumer with an image apparatus (10) adapted to be lent to a customer (200) (paragraph 51, 53, 59 and 70; where the digital camera 10 is adapted to be lent to a customer 200 by the customer 200 purchasing the camera 10 then returning it to the place of purchase once the customer 200 has used the camera and is ready to obtain the images; and where the image data that was stored on the image station 50 is dispensed to the user 200 personal computer via the Internet by being available for download or viewing),

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comprising: an image reader (30) reading all the images from the image obtaining apparatus (10), obtained by the consumer while the consumer lends the image obtaining apparatus (10) (paragraph 51 and 59-61; where the transmitting apparatus 30 transmits all the captured image data from the camera 10 to image station 50); image manipulating means (13) for manipulating said image data, which has been obtained by said image obtaining apparatus (10), by a predetermined manipulation process yielding resulting image data (paragraph 46; where the photographed image data is manipulated by being processed by image processing portion 13 of camera 10); and image data dispensing means (50) for dispensing the resulting image data (paragraph 53, 59 and 70; where the image data that was stored on the image station 50 is dispensed to the user 200 personal computer via the Internet by being available for download or viewing), to the customer for a consideration (paragraph 51; where the above dispensing is provided for a consideration comprising money as the digital camera must first be purchased for use in order to be able to have images stored in the server 50 for download or viewing), said image data dispensing means (50) includes: an image server for storing the resulting image data (paragraph 51 second to last sentence); and a communication network (100) communicably interconnecting said image server and a customer terminal (60) (paragraph 59, 70, 72, 74-79 and 113; where the customer terminal is the user's personal computer 60; also the personal computer 60 maybe be a number of other items or maybe located at the store where the digital camera 10 is returned), and the resulting image data stored in said image server (50) being

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dispensed to said customer terminal (60) via said communication network (100) (paragraph 70).

13. With respect to **claim 18 Okada** discloses, in Fig. 5, 6 and 8A-B, an image data dispensing system according to claim 1, wherein said image data dispensing means (50) further includes access managing means for managing access attempts of the customer from said customer terminal (60) to the resulting image data stored in said image server (50) (paragraph 70 and 80-82; where the managing means is the address and password the customer receives with purchase of the camera, the address and password are then used to allow the customer access to the resulting image data stored on the server so that the customer can edit or download the resulting images at the customer terminal 60), such that the accessing is permitted under condition that a predetermined amount of charge has been paid for the consideration (paragraph 51; where the accessing is permitted under condition that a predetermined charge has been paid when the customer receives the address and password after buying the digital camera 10).

14. With respect to **claim 22 Okada** discloses, in Fig. 8A-B and 9, an image data dispensing system according to claim 18, wherein said image data dispensing means (50) further includes reference image producing means for producing a reference image from the resulting image data stored in said image server (50), said reference image being offered to the customer without consideration (paragraph 81-84; where after the customer inputs the password a list of reference images are displayed to the customer which reference the resulting images stored in the image server 50, this is done without

consideration as the images are displayed directly after the password is enter and not because of the request of the customer).

15. With respect to **claim 71 Okada** discloses, in Fig. 4-6, a method to provide a customer with images obtained by a lent image forming apparatus, the method comprising: reading out all the images from the lent image forming apparatus (10), obtained by the consumer while the consumer lends the image forming apparatus (10) (paragraph 51 and 59-61; where the digital camera 10 is adapted to be lent to a customer 200 by the customer 200 purchasing the camera 10 then returning it to the place of purchase once the customer 200 has used the camera and is ready to obtain the images; and where the transmitting apparatus 30 transmits all the captured image data from the camera 10 to image station 50); applying a predetermined manipulation process to the read images to generate processed images (paragraph 52-53; where the images are sent to the image station 50 using a predetermined communication protocol, it is inherent that they must be processed in order to be sent using a predetermined protocol, thus the sending of the images to the image station 50 is interpreted as the predetermined manipulation process); storing the processed images in an image database (50) connected to a customer terminal via a network; and dispensing the processed images from the image database (50) to the customer terminal via the network (paragraph 51, 53, 59, 62 and 70; where processed image data is stored in the image database 50 via the transmitting terminal 19 of digital camera 10; and where the image data that was stored on the image station 50 is dispensed to the user 200

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personal computer via the internet in various ways comprising by being available for download or viewing).

16. **Claims 70 and 72 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,469,536 to Blank.**

17. With respect to **claim 70 Blank** discloses, in Fig. 18, an image recording apparatus (900) (column 8 lines 45-52 and column 28 lines 1-9) comprising: an image reader (912) reading image data corresponding to a plurality of raw images stored in an image forming apparatus (920) removably connected to the image recording apparatus (900) (column 29 lines 10-21); an image manipulator (900) processing the image data to generate a plurality of processed images (column 30 lines 9-56 and column 32 lines 16-21; where images from the still camera are manipulated by imaging system 900); and an image writer storing the processed images in an image database (934) which can be accessed by a customer terminal via a network (column 29 lines 58-67; where the images maybe uploaded to a server that has greater storage capacity and then shared with other users accessing the server).

18. With respect to **claim 72 Blank** discloses, in Fig. 18, an image dispensing system (900), the image dispensing system (900) (column 8 lines 45-52 and column 28 lines 1-9) comprising: an image reading unit (912) to read out raw images stored in an image forming apparatus (920) which is temporarily connected to the image dispensing system (900) (column 29 lines 10-21); an image processing unit (900) to process the raw images according to a predetermined processing procedure to generate processed images (column 30 lines 9-56 and column 32 lines 16-21; where images from the still

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camera are processed through manipulation by imaging system 900); and an image output unit to transfer the processed images into an external image storing device (934), wherein the external image storing device (934) sends the processed images to a customer terminal via a network (column 29 lines 58-67; where the images maybe uploaded to a server that has greater storage capacity and then shared with other users accessing the server).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. **Claims 14 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2001/0040625 A1 to Okada et al in view of U.S. Patent 6,522,418 to Yokomizo et al.**

21. With respect to **claim 14 Okada** discloses an image data dispensing system storing and dispensing upon request images obtained by a consumer with an image obtaining apparatus, adapted to be lent to a customer, comprising: an image reader reading all the images from the image obtaining apparatus, obtained by the consumer while the consumer lends the image obtaining apparatus; image manipulating means for manipulating said images, which have been obtained by said image obtaining apparatus, by a predetermined manipulation process which yields resulting image data;

and image data dispensing means for dispensing the resulting image data to the customer for a consideration, said image data dispensing means including: an image server for storing the resulting image data; and a communication network communicably interconnecting said image server and a customer terminal, and the resulting image data stored in said image server being dispensed to said customer terminal via said communication network.

22. **Okada** also discloses, in Fig. 5, 6 and 8A-B, wherein said image data dispensing means (50) further includes access managing means for managing access attempts of the customer from said customer terminal (60) to the resulting image data stored in said image server (50) (paragraph 70 and 80-82; where the managing means is the address and password the customer receives with purchase of the camera, the address and password are then used to allow the customer access to the resulting image data stored on the server so that the customer can edit or download the resulting images at the customer terminal 60). **Okada** does not expressly disclose such that the accessing is permitted for a limited period depending upon an amount of charge said customer has paid for the consideration.

23. In analogous art **Yokomizo** discloses, in Fig. 1, an image data dispensing system comprising: an image server which holds digital images taken by a customer, the digital images are then dispensed to the customer at a customer terminal through a network for editing of the digital images, various processing and storage of the images may then be done for an amount of charge; and accessing of the digital images taken by the customer is permitted for a limited period depending upon an amount of charge

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said customer has paid for the consideration. More specifically, **Yokomizo** discloses an image data dispensing system comprising: an image server (9) which holds digital images taken by a customer (column 3 lines 51-58, column 4 lines 55-59 and lines 64-67 and column 5 lines 16-19 and lines 24-27), the digital images are then dispensed to the customer at a customer terminal through a network for editing of the digital images (column 5 lines 28-32; where the digital images are dispensed through the internet to a customer using the customer terminal comprising the customers PC), various processing and storage of the images may then be done for an amount of charge (column 7 lines 7-18 and column 10 lines 27-36); and accessing of the digital images taken by the customer is permitted for a limited period depending upon an amount of charge said customer has paid for the consideration (column 17 lines 4-9; where the digital images are stored for the initial consideration of the editing by the customer at the customer terminal for 30 days, the customer can then maintain the images for another limited period through payment of additional fees). Therefore, **Yokomizo** teaches such that the accessing is permitted for a limited period depending upon an amount of charge said customer has paid for the consideration.

24. As stated in **Yokomizo** (column 2 lines 4-9) at the time the invention was made it would have been obvious to one of ordinary skill in the art to allow access for a limited period depending on the amount of charge as taught by Yokomizo in the image data dispensing system disclosed by Okada, for doing so would offer the customer the ability to edit and store the uploaded images on the server for an acceptable fee which allows

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the company that maintains the server the funding needed to maintain storage of the images for longer periods of time.

25. With respect to **claim 26 Okada** discloses an image data dispensing system storing and dispensing upon request images obtained by a consumer with an image obtaining apparatus, adapted to be lent to a customer, comprising: an image reader reading all the images from the image obtaining apparatus, obtained by the consumer while the consumer lends the image obtaining apparatus; image manipulating means for manipulating said images, which have been obtained by said image obtaining apparatus, by a predetermined manipulation process which yields resulting image data; and image data dispensing means for dispensing the resulting image data to the customer for a consideration, said image data dispensing means including: an image server for storing the resulting image data; and a communication network communicably interconnecting said image server and a customer terminal, and the resulting image data stored in said image server being dispensed to said customer terminal via said communication network.

26. **Okada** does not expressly disclose consideration collection managing means for collecting a consideration of a consideration to be paid for the resulting image data; and image deleting means for deleting the resulting image data stored in said image server upon recognition by said consideration collection managing means that the consideration for the image data has not yet been collected even after elapse of a predetermined time period.

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27. In analogous art **Yokomizo** discloses, in Fig. 1, an image data dispensing system comprising: an image server which holds digital images taken by a customer, the digital images are then dispensed to the customer at a customer terminal through a network for editing of the digital images, various processing and storage of the images may then be done for an amount of charge; consideration collection managing means for collecting a consideration of a consideration to be paid for the resulting image data; and image deleting means for deleting the resulting image data stored in said image server upon recognition by said consideration collection managing means that the consideration for the image data has not yet been collected even after elapse of a predetermined time period. More specifically, **Yokomizo** discloses an image data dispensing system comprising: an image server (9) which holds digital images taken by a customer (column 3 lines 51-58, column 4 lines 55-59 and lines 64-67 and column 5 lines 16-19 and lines 24-27), the digital images are then dispensed to the customer at a customer terminal through a network for editing of the digital images (column 5 lines 28-32; where the digital images are dispensed through the internet to a customer using the customer terminal comprising the customers PC), various processing and storage of the images may then be done for an amount of charge (column 7 lines 7-18 and column 10 lines 27-36); consideration collection managing means for collecting a consideration of a consideration to be paid for the resulting image data (column 17 lines 27-32); and image deleting means for deleting the resulting image data stored in said image server upon recognition by said consideration collection managing means that the consideration for the image data has not yet been collected even after elapse of a

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predetermined time period (column 17 lines 4-9; where the images are deleted after the predetermined time of e.g. 30 days if an additional fee has not been paid). Therefore, **Yokomizo** teaches consideration collection managing means for collecting a consideration of a consideration to be paid for the resulting image data; and image deleting means for deleting the resulting image data stored in said image server upon recognition by said consideration collection managing means that the consideration for the image data has not yet been collected even after elapse of a predetermined time period.

28. As stated in **Yokomizo** (column 2 lines 4-9) at the time the invention was made it would have been obvious to one of ordinary skill in the art to include image deleting means for deleting images when a consideration collection managing means determines a payment has not been made for additional storage time as taught by **Yokomizo** in the image data dispensing system disclosed by Okada, for doing so would offer the customer the ability to edit and store the uploaded images on the server for an acceptable fee which allows the company that maintains the server the funding needed to maintain storage of the images for longer periods of time while removing the images of customers that do not pay the fees so that store space can be maximized to paying customers.

Conclusion

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M. Pasiewicz whose telephone number is (571)272-5516. The examiner can normally be reached on M-F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMP
October 17, 2007

A handwritten signature in black ink, appearing to read 'Lin Ye', with a stylized flourish at the end.

LIN YE
SUPERVISORY PATENT EXAMINER